



**STATE OF MAINE  
SUPREME JUDICIAL COURT  
SITTING AS THE LAW COURT**

**NOTICE OF INVITATION TO FILE AMICUS BRIEFS**

**Law Court invites amicus briefs on termination  
of parental rights of a parent who is unable to  
provide direct care of a child but has arranged for  
the safe and appropriate care of the child**

The Maine Supreme Judicial Court, sitting as the Law Court, invites briefs of amici curiae in the appeal of *Adoption by Jessica M. et al.*, Law Court docket number And-19-491, on the following questions:

When a parent is unable, at least temporarily, personally to provide direct care of a child, and when the child is being cared for safely and appropriately by relatives under a guardianship (or a power of attorney or similar arrangement),

1. What factors, circumstances and public policies may, or must, a court consider when determining whether that parent is “unfit” for purposes of terminating the parent’s parental rights upon a petition by the guardians to adopt the child?
2. What factors, circumstances and public policies may, or must, a court consider when determining whether termination is in the child’s best interest?
3. What effect does the parent’s incarceration—as opposed

to another reason for the parent's inability to care for the child, such as employment, military service, or deportation—have on the analysis of parental unfitness and the child's best interest?

4. Should a court's consideration of a petition for termination of parental rights take into account that the action has been initiated by a party other than the State?

5. What is the relevance, if any, of the extent of the absent parent's role in actively arranging for a guardianship (or other childcare placement)?

Redacted versions of the parties' briefs and of a portion of the appendix are available on the Court's website at [www.courts.maine.gov/quick/jessica](http://www.courts.maine.gov/quick/jessica).

An amicus brief may be filed by or on behalf of any individual, entity, or group of individuals and/or entities without separate leave of the Court. Any amicus brief must be filed on or before **July 13, 2020**. An amicus brief must be filed at the address listed below and must comply with M.R. App. P. 7A. In addition to filing and serving the required number of copies, any amicus must send a copy of the brief electronically, as a single "native" or text-based .pdf file, to the Clerk of the Law Court at [lawcourt.clerk@courts.maine.gov](mailto:lawcourt.clerk@courts.maine.gov).

Dated: June 15, 2020

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